

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAMAN D. PATEL, et al.,

No. C-06-3267 MMC

Plaintiffs,

**ORDER TAKING MOTION TO DISMISS
UNDER SUBMISSION; CONTINUING
HEARING ON MOTION TO STAY;
ORDERING PLAINTIFFS TO
FAMILIARIZE THEMSELVES WITH
REQUIREMENTS OF GENERAL
ORDER 45**

v.

CITY OF SANTA ROSA, et al.,

Defendants.

On June 5, 2006, defendant City of Santa Rosa ("City") electronically filed a motion to dismiss one cause of action, as well as a separate motion to stay the entire action pending completion of proceedings in state court, and noticed both motions for hearing July 14, 2006. Pursuant to Civil Local Rule 7-3(a), any opposition to the motions was required to be filed no later than June 23, 2006. Additionally, pursuant to General Order 45, any opposition was required to be electronically filed.

No opposition to either motion was filed by June 23, 2006. On June 26, 2006, plaintiffs manually filed an untimely opposition to the motion to stay. To date, no opposition to the motion to dismiss, nor a statement of nonopposition, has been filed.

On June 30, 2006, the City electronically filed an objection to plaintiffs' opposition to the motion to stay. The City objects that the opposition was required to be electronically filed, that the City did not learn the opposition had been filed until June 30, 2006, and that

1 because defense counsel had previously arranged to take a brief vacation from June 30,
2 2006 through July 4, 2006, there was inadequate time to prepare a proper reply. The City's
3 objections are well-taken. Rather than strike the opposition, however, the Court will
4 continue the hearing on the motion to stay to afford the City additional time to file its reply.

5 Accordingly,

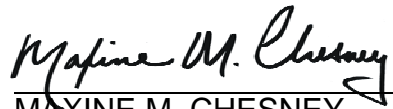
6 1. As no opposition has been filed to the City's motion to dismiss, the motion to
7 dismiss is hereby taken under submission.

8 2. The July 14, 2006 hearing on the motion to stay is hereby CONTINUED to
9 August 18, 2006. The deadline for the City to file its reply is hereby CONTINUED to
10 July 14, 2006.

11 3. Plaintiffs are hereby ORDERED to familiarize themselves with the requirements of
12 General Order 45 forthwith, and to file all future documents in compliance therewith.

13 **IT IS SO ORDERED.**

14 Dated: July 5, 2006

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16 MAXINE M. CHESNEY
17 United States District Judge
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